

and to pay the United States contribution to the Commission under Article 15 of the South Pacific Fisheries Convention.

(b) International cooperation and assistance

(1) In general

Subject to the limits of available appropriations and consistent with applicable law, the Secretary or the Secretary of State may provide appropriate assistance, including grants, to developing nations and international organizations of which such nations are members to assist those nations in meeting their obligations under the South Pacific Fisheries Convention.

(2) Transfer of funds

Subject to the limits of available appropriations and consistent with other applicable law, the Secretary and the Secretary of State are authorized to transfer funds to any foreign government and any international, non-governmental, or international organization, including the Commission, for purposes of carrying out the international responsibilities under paragraph (1).

(Pub. L. 114-327, title II, § 210, Dec. 16, 2016, 130 Stat. 1993.)

CHAPTER 98—SPORTSMEN'S ACCESS TO FEDERAL LAND

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SUBCHAPTER I—NATIONAL POLICY

§ 7901. Congressional declaration of national policy

(a) In general

Congress declares that it is the policy of the United States that Federal departments and agencies, in accordance with the missions of the departments and agencies, Executive Orders 12962 and 13443 (60 Fed. Reg. 30769 (June 7, 1995); 72 Fed. Reg. 46537 (August 16, 2007)), and applicable law, shall—

(1) facilitate the expansion and enhancement of hunting, fishing, and recreational shooting opportunities on Federal land, in consultation with the Wildlife and Hunting Heritage Conservation Council, the Sport Fishing and Boating Partnership Council, State and Tribal fish and wildlife agencies, and the public;

(2) conserve and enhance aquatic systems and the management of game species and the

habitat of those species on Federal land, including through hunting and fishing, in a manner that respects—

(A) State management authority over wildlife resources; and

(B) private property rights; and

(3) consider hunting, fishing, and recreational shooting opportunities as part of all Federal plans for land, resource, and travel management.

(b) Exclusion

In this title,¹ the term “fishing” does not include commercial fishing in which fish are harvested, either in whole or in part, that are intended to enter commerce through sale.

(Pub. L. 116-9, title IV, § 4001, Mar. 12, 2019, 133 Stat. 756.)

Editorial Notes

REFERENCES IN TEXT

Executive Order 12962, referred to in subsec. (a), is Ex. Ord. No. 12962, June 7, 1995, 60 F.R. 30769, which is set out as a note under section 1801 of this title.

Executive Order 13443, referred to in subsec. (a), is Ex. Ord. No. 13443, Aug. 16, 2007, 72 F.R. 46537, which is set out as a note under section 661 of this title.

This title, referred to in subsec. (b), means title IV of Pub. L. 116-9, Mar. 12, 2019, 133 Stat. 756, which enacted this chapter and amended section 704 of this title, section 504 of Title 5, Government Organization and Employees, section 2412 of Title 28, Judiciary and Judicial Procedure, and section 1304 of Title 31, Money and Finance. For complete classification of title IV to the Code, see Tables.

SUBCHAPTER II—SPORTSMEN'S ACCESS TO FEDERAL LAND

§ 7911. Definitions

In this subchapter:

(1) Federal land

The term “Federal land” means—

(A) any land in the National Forest System (as defined in section 1609(a) of this title) that is administered by the Secretary of Agriculture, acting through the Chief of the Forest Service; and

(B) public lands (as defined in section 1702 of title 43), the surface of which is administered by the Secretary, acting through the Director of the Bureau of Land Management.

(2) Secretary concerned

The term “Secretary concerned” means—

(A) the Secretary of Agriculture, with respect to land described in paragraph (1)(A); and

(B) the Secretary, with respect to land described in paragraph (1)(B).

(Pub. L. 116-9, title IV, § 4101, Mar. 12, 2019, 133 Stat. 757.)

Statutory Notes and Related Subsidiaries

DEFINITION OF “SECRETARY”

Secretary means the Secretary of the Interior, see section 2 of Pub. L. 116-9, set out as a note under section 1 of this title.

¹ See References in Text note below.

§ 7912. Federal land open to hunting, fishing, and recreational shooting

(a) In general

Subject to subsection (b), Federal land shall be open to hunting, fishing, and recreational shooting, in accordance with applicable law, unless the Secretary concerned closes an area in accordance with section 7913 of this title.

(b) Effect of part

Nothing in this subchapter opens to hunting, fishing, or recreational shooting any land that is not open to those activities as of March 12, 2019.

(Pub. L. 116–9, title IV, §4102, Mar. 12, 2019, 133 Stat. 757.)

§ 7913. Closure of Federal land to hunting, fishing, and recreational shooting

(a) Authorization

(1) In general

Subject to paragraph (2) and in accordance with section 1732(b) of title 43, the Secretary concerned may designate any area on Federal land in which, and establish any period during which, for reasons of public safety, administration, or compliance with applicable laws, no hunting, fishing, or recreational shooting shall be permitted.

(2) Requirement

In making a designation under paragraph (1), the Secretary concerned shall designate the smallest area for the least amount of time that is required for public safety, administration, or compliance with applicable laws.

(b) Closure procedures

(1) In general

Except in an emergency, before permanently or temporarily closing any Federal land to hunting, fishing, or recreational shooting, the Secretary concerned shall—

- (A) consult with State fish and wildlife agencies; and
- (B) provide public notice and opportunity for comment under paragraph (2).

(2) Public notice and comment

(A) In general

Public notice and comment shall include—

- (i) a notice of intent—
 - (I) published in advance of the public comment period for the closure—
 - (aa) in the Federal Register;
 - (bb) on the website of the applicable Federal agency;
 - (cc) on the website of the Federal land unit, if available; and
 - (dd) in at least 1 local newspaper;
 - (II) made available in advance of the public comment period to local offices, chapters, and affiliate organizations in the vicinity of the closure that are signatories to the memorandum of understanding entitled “Federal Lands Hunting, Fishing, and Shooting Sports Roundtable Memorandum of Understanding”; and

(III) that describes—

- (aa) the proposed closure; and
- (bb) the justification for the proposed closure, including an explanation of the reasons and necessity for the decision to close the area to hunting, fishing, or recreational shooting; and

(ii) an opportunity for public comment for a period of—

- (I) not less than 60 days for a permanent closure; or
- (II) not less than 30 days for a temporary closure.

(B) Final decision

In a final decision to permanently or temporarily close an area to hunting, fishing, or recreation¹ shooting, the Secretary concerned shall—

- (i) respond in a reasoned manner to the comments received;
- (ii) explain how the Secretary concerned resolved any significant issues raised by the comments; and
- (iii) show how the resolution led to the closure.

(c) Temporary closures

(1) In general

A temporary closure under this section may not exceed a period of 180 days.

(2) Renewal

Except in an emergency, a temporary closure for the same area of land closed to the same activities—

- (A) may not be renewed more than 3 times after the first temporary closure; and
- (B) must be subject to a separate notice and comment procedure in accordance with subsection (b)(2).

(3) Effect of temporary closure

Any Federal land that is temporarily closed to hunting, fishing, or recreational shooting under this section shall not become permanently closed to that activity without a separate public notice and opportunity to comment in accordance with subsection (b)(2).

(d) Reporting

On an annual basis, the Secretaries concerned shall—

- (1) publish on a public website a list of all areas of Federal land temporarily or permanently subject to a closure under this section; and
- (2) submit to the Committee on Energy and Natural Resources and the Committee on Agriculture, Nutrition, and Forestry of the Senate and the Committee on Natural Resources and the Committee on Agriculture of the House of Representatives a report that identifies—
 - (A) a list of each area of Federal land temporarily or permanently subject to a closure;
 - (B) the acreage of each closure; and
 - (C) a survey of—
 - (i) the aggregate areas and acreage closed under this section in each State; and

¹ So in original. Probably should be “recreational”.

(ii) the percentage of Federal land in each State closed under this section with respect to hunting, fishing, and recreational shooting.

(e) Application

This section shall not apply if the closure is—

- (1) less than 14 days in duration; and
- (2) covered by a special use permit.

(Pub. L. 116–9, title IV, §4103, Mar. 12, 2019, 133 Stat. 757.)

§ 7914. Shooting ranges

(a) In general

Except as provided in subsection (b), the Secretary concerned may, in accordance with this section and other applicable law, lease or permit the use of Federal land for a shooting range.

(b) Exception

The Secretary concerned shall not lease or permit the use of Federal land for a shooting range within—

- (1) a component of the National Landscape Conservation System;
- (2) a component of the National Wilderness Preservation System;
- (3) any area that is—
 - (A) designated as a wilderness study area;
 - (B) administratively classified as—
 - (i) wilderness-eligible; or
 - (ii) wilderness-suitable; or
 - (C) a primitive or semiprimitive area;
- (4) a national monument, national volcanic monument, or national scenic area; or
- (5) a component of the National Wild and Scenic Rivers System (including areas designated for study for potential addition to the National Wild and Scenic Rivers System).

(Pub. L. 116–9, title IV, §4104, Mar. 12, 2019, 133 Stat. 759.)

§ 7915. Identifying opportunities for recreation, hunting, and fishing on Federal land

(a) Definitions

In this section:

(1) Secretary

The term “Secretary” means—

- (A) the Secretary, with respect to land administered by—
 - (i) the Director of the National Park Service;
 - (ii) the Director of the United States Fish and Wildlife Service; and
 - (iii) the Director of the Bureau of Land Management; and
- (B) the Secretary of Agriculture, with respect to land administered by the Chief of the Forest Service.

(2) State or regional office

The term “State or regional office” means—

- (A) a State office of the Bureau of Land Management; or
- (B) a regional office of—
 - (i) the National Park Service;
 - (ii) the United States Fish and Wildlife Service; or

(iii) the Forest Service.

(3) Travel management plan

The term “travel management plan” means a plan for the management of travel—

(A) with respect to land under the jurisdiction of the National Park Service, on park roads and designated routes under section 4.10 of title 36, Code of Federal Regulations (or successor regulations);

(B) with respect to land under the jurisdiction of the United States Fish and Wildlife Service, on the land under a comprehensive conservation plan prepared under section 668dd(e) of this title;

(C) with respect to land under the jurisdiction of the Forest Service, on National Forest System land under part 212 of title 36, Code of Federal Regulations (or successor regulations); and

(D) with respect to land under the jurisdiction of the Bureau of Land Management, under a resource management plan developed under the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.).

(b) Priority lists required

(1) In general

Not later than 1 year after March 12, 2019, and biennially thereafter during the 10-year period beginning on the date on which the first priority list is completed, the Secretary shall prepare a priority list, to be made publicly available on the website of the applicable Federal agency referred to in subsection (a)(1), which shall identify the location and acreage of land within the jurisdiction of each State or regional office on which the public is allowed, under Federal or State law, to hunt, fish, or use the land for other recreational purposes but—

(A) to which there is no public access or egress; or

(B) to which public access or egress to the legal boundaries of the land is significantly restricted (as determined by the Secretary).

(2) Minimum size

Any land identified under paragraph (1) shall consist of contiguous acreage of at least 640 acres.

(3) Considerations

In preparing the priority list required under paragraph (1), the Secretary shall consider, with respect to the land—

(A) whether access is absent or merely restricted, including the extent of the restriction;

(B) the likelihood of resolving the absence of or restriction to public access;

(C) the potential for recreational use;

(D) any information received from the public or other stakeholders during the nomination process described in paragraph (5); and

(E) any other factor, as determined by the Secretary.

(4) Adjacent land status

For each parcel of land on the priority list, the Secretary shall include in the priority list

whether resolving the issue of public access or egress to the land would require acquisition of an easement, right-of-way, or fee title from—

- (A) another Federal agency;
- (B) a State, local, or Tribal government; or
- (C) a private landowner.

(5) Nomination process

In preparing a priority list under this section, the Secretary shall provide an opportunity for members of the public to nominate parcels for inclusion on the priority list.

(c) Access options

With respect to land included on a priority list described in subsection (b), the Secretary shall develop and submit to the Committees on Appropriations and Energy and Natural Resources of the Senate and the Committees on Appropriations and Natural Resources of the House of Representatives a report on options for providing access that—

- (1) identifies how public access and egress could reasonably be provided to the legal boundaries of the land in a manner that minimizes the impact on wildlife habitat and water quality;
- (2) specifies the steps recommended to secure the access and egress, including acquiring an easement, right-of-way, or fee title from a willing owner of any land that abuts the land or the need to coordinate with State land management agencies or other Federal, State, or Tribal governments to allow for such access and egress; and
- (3) is consistent with the travel management plan in effect on the land.

(d) Protection of personally identifying information

In making the priority list and report prepared under subsections (b) and (c) available, the Secretary shall ensure that no personally identifying information is included, such as names or addresses of individuals or entities.

(e) Willing owners

For purposes of providing any permits to, or entering into agreements with, a State, local, or Tribal government or private landowner with respect to the use of land under the jurisdiction of the government or landowner, the Secretary shall not take into account whether the State, local, or Tribal government or private landowner has granted or denied public access or egress to the land.

(f) Means of public access and egress included

In considering public access and egress under subsections (b) and (c), the Secretary shall consider public access and egress to the legal boundaries of the land described in those subsections, including access and egress—

- (1) by motorized or non-motorized vehicles; and
- (2) on foot or horseback.

(g) Effect

(1) In general

This section shall have no effect on whether a particular recreational use shall be allowed on the land included in a priority list under this section.

(2) Effect of allowable uses on agency consideration

In preparing the priority list under subsection (b), the Secretary shall only consider recreational uses that are allowed on the land at the time that the priority list is prepared.

(Pub. L. 116–9, title IV, §4105, Mar. 12, 2019, 133 Stat. 759.)

Editorial Notes

REFERENCES IN TEXT

The Federal Land Policy and Management Act of 1976, referred to in subsec. (a)(3)(D), is Pub. L. 94–579, Oct. 21, 1976, 90 Stat. 2743, which is classified principally to chapter 35 (§1701 et seq.) of Title 43, Public Lands. For complete classification of this Act to the Code, see Short Title note set out under section 1701 of Title 43, Public Lands, and Tables.

Statutory Notes and Related Subsidiaries

DEFINITION OF “SECRETARY”

Secretary means the Secretary of the Interior, see section 2 of Pub. L. 116–9, set out as a note under section 1 of this title.

SUBCHAPTER III—MISCELLANEOUS

§ 7931. Respect for treaties and rights

Nothing in this title¹ or the amendments made by this title—¹

- (1) affects or modifies any treaty or other right of any federally recognized Indian Tribe; or

- (2) modifies any provision of Federal law relating to migratory birds or to endangered or threatened species.

(Pub. L. 116–9, title IV, §4401, Mar. 12, 2019, 133 Stat. 766.)

Editorial Notes

REFERENCES IN TEXT

This title, referred to in text, means title IV of Pub. L. 116–9, Mar. 12, 2019, 133 Stat. 756, which enacted this chapter and amended section 704 of this title, section 504 of Title 5, Government Organization and Employees, section 2412 of Title 28, Judiciary and Judicial Procedure, and section 1304 of Title 31, Money and Finance. For complete classification of title IV to the Code, see Tables.

§ 7932. No priority

Nothing in this title¹ or the amendments made by this title¹ provides a preference to hunting, fishing, or recreational shooting over any other use of Federal land or water.

(Pub. L. 116–9, title IV, §4402, Mar. 12, 2019, 133 Stat. 766.)

Editorial Notes

REFERENCES IN TEXT

This title, referred to in text, means title IV of Pub. L. 116–9, Mar. 12, 2019, 133 Stat. 756, which enacted this chapter and amended section 704 of this title, section 504 of Title 5, Government Organization and Employ-

¹ See References in Text note below.

¹ See References in Text note below.

ees, section 2412 of Title 28, Judiciary and Judicial Procedure, and section 1304 of Title 31, Money and Finance. For complete classification of title IV to the Code, see Tables.

§ 7933. State authority for fish and wildlife

Nothing in this title—¹

(1) authorizes the Secretary of Agriculture or the Secretary to require Federal licenses or permits to hunt and fish on Federal land; or

(2) enlarges or diminishes the responsibility or authority of States with respect to fish and wildlife management.

(Pub. L. 116–9, title IV, § 4403, Mar. 12, 2019, 133 Stat. 766.)

Editorial Notes

REFERENCES IN TEXT

This title, referred to in text, means title IV of Pub. L. 116–9, Mar. 12, 2019, 133 Stat. 756, which enacted this chapter and amended section 704 of this title, section 504 of Title 5, Government Organization and Employees, section 2412 of Title 28, Judiciary and Judicial Procedure, and section 1304 of Title 31, Money and Finance. For complete classification of title IV to the Code, see Tables.

Statutory Notes and Related Subsidiaries

DEFINITION OF “SECRETARY”

Secretary means the Secretary of the Interior, see section 2 of Pub. L. 116–9, set out as a note under section 1 of this title.

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§ 8001. Definitions

In this chapter:

(1) AIS

The term “AIS” means Automatic Identification System (as defined in section 164.46 of

title 33, Code of Federal Regulations, or a similar successor regulation).

(2) Combined Maritime Forces

The term “Combined Maritime Forces” means the 33-nation naval partnership, originally established in February 2002, which promotes security, stability, and prosperity across approximately 3,200,000 square miles of international waters.

(3) Exclusive economic zone

(A) In general

Unless otherwise specified by the President as being in the public interest in a writing published in the Federal Register, the term “exclusive economic zone” means—

(i) the area within a zone established by a maritime boundary that has been established by a treaty in force or a treaty that is being provisionally applied by the United States; or

(ii) in the absence of a treaty described in clause (i)—

(I) a zone, the outer boundary of which is 200 nautical miles from the baseline from which the breadth of the territorial sea is measured; or

(II) if the distance between the United States and another country is less than 400 nautical miles, a zone, the outer boundary of which is represented by a line equidistant between the United States and the other country.

(B) Inner boundary

Without affecting any Presidential Proclamation with regard to the establishment of the United States territorial sea or exclusive economic zone, the inner boundary of the exclusive economic zone is—

(i) in the case of coastal States, a line coterminous with the seaward boundary of each such State (as described in section 1312 of title 43);

(ii) in the case of the Commonwealth of Puerto Rico, a line that is 3 marine leagues from the coastline of the Commonwealth of Puerto Rico;

(iii) in the case of American Samoa, the United States Virgin Islands, Guam, and the Northern Mariana Islands, a line that is 3 geographic miles from the coastlines of American Samoa, the United States Virgin Islands, Guam, or the Northern Mariana Islands, respectively; or

(iv) for any possession of the United States not referred to in clause (ii) or (iii), the coastline of such possession.

(C) Rule of construction

Nothing in this paragraph may be construed to diminish the authority of the Department of Defense, the Department of the Interior, or any other Federal department or agency.

(4) Food security

The term “food security” means access to, and availability, utilization, and stability of, sufficient food to meet caloric and nutritional needs for an active and healthy life.

¹ See References in Text note below.